

February 5, 2024 (a)

APPROVED
REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE-SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD VIRTUALLY USING MICROSOFT TEAMS AND AT THE DISTRICT OFFICE
8:30 a.m. February 5, 2024

The Meeting was called to order by President Bill Petersen, Managers Bill Petersen, Brad Blawat, Keith Szczepanski, Robert Kovar, Joey McGregor and Lein Schiller were present. Mori Maher, Tyler Larson, Kyle Schlomann, Larry Nybladh, Dean Danielski, Tony Pulkrabek, Mike Enright, Jeremy Misselhorn, Gunnar Bowan and Tony Nordby were also present. Jeff Hane and Van Hapka were in attendance virtually.

Motion by Mr. Robert Kovar, seconded by Mr. Keith Szczepanski to approve the Agenda as presented. Motion unanimously carried.

Motion by Mr. Brad Blawat, seconded by Mr. Joey McGregor to approve the Meeting Minutes from the December 18, 2023 Board of Managers Meeting as presented. Motion unanimously carried.

Kaitlyn Bjornson joined the meeting (virtual) at approximately 8:38 a.m.

It was announced that Robert Kovar was reappointed by the Polk County Commissioners as a District Manager. Kovar reviewed and signed the Oath of Manager.

Motion by Mr. Lein Schiller, seconded by Mr. Brad Blawat to pay the following bills: From Project Funds Check #3479-3486 in the amount of \$96,010.28; From Ditch Funds check #3674-3680 in the amount of \$50,113.56. Motion unanimously carried.

Tim Mortensen, Carl Gornowicz, and Brandon Gornowicz joined the meeting at approximately 8:40 a.m.

The Board made the following Designations:

Designate Depositories:

1. Bremer Bank
2. Frandsen Bank
3. American Federal
4. Others as may be designated by the Treasurer

Motion by Mr. Robert Kovar, Seconded by Mr. Joey McGregor, Motion unanimously carried.

Designate Official Newspapers:

Watershed District- Warren Sheaf & Middle River Honker
Marshall County- Warren Sheaf, Stephen Messenger, Middle River Honker
Polk County- Crookston Times, Exponent
Pennington County- Thief River Times
Kittson County- Kittson County Enterprise
Roseau County- Roseau Times

Motion by Mr. Robert Kovar, Seconded by Mr. Joey McGregor. Motion unanimously carried

Designate Engineer:

Houston Engineering

Motion by Mr. Keith Szczepanski, Seconded by Mr. Brad Blawat. Motion unanimously carried

Designate Legal Counsel:

Brink Lawyers PA, Rinke Noonan

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Motion by Mr. Lein Schiller, Seconded by Mr. Joey McGregor. Motion unanimously carried.

Motion by Mr. Robert Kovar, Seconded by Mr. Joey McGregor to Table the following Permits pending staff investigation of a partial blocked culvert on the East Line of Section 18 Angus Twp:

Permit (24-001) Stroble Farms to install 151 acres of field pattern drain tile in the SW4 of Section 26 Middle River Township with ¼" drainage coefficient; 40' and 80' tile spacings; 7.5 HP (710 GPM) VFD pump to outlet to east ditch along 350th Ave NW.

Permit (24-002) Stroble Farms to install 165 acres of field drain tile in portions of the NW4, SW4 and SE4 of Section 4 Angus Township with ¼" drainage coefficient; 40' & 80' tile spacings; 7.5 HP (776 GPM) VFD pump to outlet to the Gjerde Coulee, East of the BNSF Railway.

Permit (24-003) Stroble Farms to install 311 acres of field pattern drain tile in the S2 of Section 18 Angus Township with a ¼" drainage coefficient; 40' tile spacings; 15 HP (1462 GPM) VFD pump outlet to the North ditch along 130th St NW.

Motion unanimously carried.

Tony Pulkrabek and Mike Enright left the meeting at 9:00 a.m.

Jeremy Misselhorn and Gunnar Boman left the meeting at 9:15 a.m.

Technician Kyle Schlomann provided an update to the Board on staff modifications to the Viewers' Report for the State Ditch #3 Redetermination of Benefits. It was the consensus of the Board that staff work with Attorney Jeff Hane to audit the potential modifications and determine the next steps that must be taken prior to holding a public hearing.

Dillon Nelson and David Nelson joined the meeting at approximately 9:50 a.m.
Jeff Hane (virtual) left the meeting at approximately 10:00 a.m.

The Reconsideration of Permit 23-103

The above-named matter came on before the Board of Managers at their regularly scheduled meeting on Monday, February 5, 2024, after due notice to all parties. Tim Mortensen, Carl Gornowicz, and Brandon Gornowicz appeared in person and Van Hapka appeared virtually. Prior to the hearing, written comments were received from Peter Hapka on behalf of Hapka Farmland Trust.

The Board, having reviewed the submitted materials from the District Staff, and having reviewed all submissions from the parties to date, and having received additional verbal comments from those in attendance, hereby made the following findings of fact:

- 1) The natural flow of water to the south was blocked off by the establishment of 250th St NW. As such, the North 250th St NW Ditch is the only outlet for the Hapka Property.
- 2) Lowering the culvert will drain less than 1.00 acre that had previously pooled in the bottom of the 250th St NW ditch. Due to the small volume of water being held back, the additional flow would have an insignificant impact downstream.
- 3) High flows are currently going around the crossing and flowing across the downstream property causing erosion. Lowering of the culvert and regrading allows for more water to be contained within the Township Road Ditch

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Based on said findings, it was motioned by Manager Lein Schiller, Seconded by Manager Joey McGregor, to approve of the following permit:

Permit (23-103) Tim Mortensen and Van Hapka to remove a failed 18" CSP, install a new 18"x60' CSP field crossing up to 0.7' lower, and to regrade the crossing's vicinity at an 0.05% grade to allow for water to drain into and away from the culvert, in the North 250th St NW ditch, on the quarter line of Sec 13 Comstock Township. With Watershed District Staff to set culvert elevation and monitor the installation. Motion unanimously carried.

Tim Mortensen, Carl Gornowicz, Brandon Gornowicz and Van Hapka (virtual) all left the meeting at approximately 10:50 a.m.

Technician Tyler Larson updated the Board on his discussion with the landowner of the NE4 of Section 23 Vega regarding the undozed spoil along JD #20 Br A. As an alternative to having the spoil dozed out in the spring, the landowner was enquiring if several spillways could be installed in the spoil that would be lower than the adjacent Township Road. This would allow for water to still flow South onto their property during high water events and would allow the landowner to still use the excess dirt in the fall. After discussion, it was the consensus of the Board that a total of 4 spillways be constructed in the spoil across from the low spots of 250th St NW. The spillways must be installed prior to the end of April, otherwise a contractor will be hired to doze the entire ½ mile and the landowner will be billed for the work.

David Nelson, Warrenton Township Supervisor, discussed with the Board a letter that was submitted to the District on behalf of the Township. David identified the repairs that were made to 230th St NW along JD #16 this past fall. The Township does not want to be liable for future repairs of 230th if it continues to be overtopped from field levees in section 32 Warrenton being too high. David asked the Board to keep this in mind for future discussions on JD #16.

David Nelson left the meeting at approximately 11:10 a.m.

Dillon Nelson, HDR Engineering, provided an update on HDR's Hydraulic Study for JD #1 and JD #75. After noting some highlights, Nelson discussed the next steps that would need to occur including a landowner meeting being held at the end of February or beginning of March. Since HDR's original work order was complete, Nelson requested from the Board additional funding to facilitate this additional landowner meeting. After discussion, it was consensus of the Board to expend up to \$5,000 for HDR to prepare for and conduct a Landowner Meeting.

Dean Danielski left the meeting at approximately 11:36 a.m.

Administrator Maher presented the amended Stream Restoration grant for Swift Coulee to the Board that was discussed at the December 18th 2023 Board Meeting. Maher reminded the Board that the agreement was for construction funds only and that the funds must be used in 2024. Motion by Mr. Joey McGregor, Seconded by Mr. Brad Blawat authorizing Maher to sign the amended agreement. Motion carried unanimously.

Jeff Hane (virtual) joined the meeting at approximately 12:00 p.m.

Maher also discussed with the Board the status of the landowner RIM applications along the first phase of the project. He stated that most of the landowners have submitted their applications based on the updated acreages from BWSR. He was still working with the remaining landowners to address any concerns that they had.

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Maher also requested that the Board consider providing more funds in addition to the easement payment and he provided examples of what area Watershed Districts have done for similar projects. It was the consensus of the Board to offer an additional 20% on top of the RIM payments to each landowner as incentive payments.

Danny Omdahl joined the meeting at approximately 12:30 p.m.

Dillon Nelson provided an update on the Newfolden project. Nelson stated that HDR was working on revisions to the Operation and Maintenance plan based on feedback received from District staff, including looking into raising the south spoil bank of JD 21 just south of the project. Staff believes when the emergency spillway functions, water might be able to overtop JD #21 and flow south towards the 3 homes in section 33 New Maine. It was also the staff and HDR's opinion that since JD #21 needed to have some repair done in this reach, the contractor for the project could be hired to repair the ditch and use the spoil to raise the south spoil.

Technician Omdahl mentioned that District Staff have started to review some drainage activities that have occurred in the upstream ends of JD #21. It is unknown at this time if, or to what extent, water is leaving the JD #21 Benefited Area and draining into the CD #23 Benefited Area. Staff will investigate further in the spring and provide a recommendation to the Board, if action is required.

Tony Nordby, Houston Engineering, and Administrator Maher discussed the status of the draft JPA for Nelson Slough Project. It was stated that there are questions surrounding ownership of the access road to the site. There are ongoing conversations to determine if the road is still under the authority of East Park Township or if the road was abandoned. Maher and Nordby will update the Board once more information is available.

Nordby updated the Board on potential repairs in Section 6 and Section 16 Angus Township on Polk County Ditch #43. After discussion, it was consensus of the Board that Houston prepare repair plans for both locations.

Administrator Maher distributed quotes that he had received from area architects for a potential office expansion and renovation that the Board had discussed last year. Motion by Mr. Robert Kovar, Seconded by Mr. Keith Sczepanski to accept the quote from Widseth to develop plans for an office expansion. Motion carried unanimously.

Maher also updated the Board on the ongoing issues regarding the District's website. He explained that in January it was discovered District's website and domain were still being hosted by the previous IT provider, TechOne Technologies. This was an issue because the owner of TechOne passed away in November. Because of this, a number of TechOne's accounts were closed including the account that was linked to the District's website through WordPress. To date, the District was able to reclaim the domain address but have been unable to restore the website.

Maher has reached out to Brian Fischer, Houston Engineering, to see if he has any information from when the website was first created that may help in restoring access to the site. Maher explained that if we can't get access to the old site, then a new website will have to be created.

Dillon Nelson left the meeting at approximately 12:53 p.m.

Administrator Maher updated the Board on a few topics for Administrative Assistant Haugen. The first request was to stop publishing notices for the monthly meetings in the newspapers. Maher explained that the District is the only watershed in the area still advertising their monthly meetings. The District would still notice its monthly meetings online and on the District door. The annual meeting schedule, hearings or special meetings would still be advertised as required by MN Statue. Maher had noted that it was anticipated the District would save approximately \$3,000 each year. Motion by Mr. Brad Blawat, Seconded by Mr. Joey McGregor to stop noticing

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the monthly meeting dates in the newspaper. All other notices to continue being noticed as required by state statute. Motion carried unanimously.

Following up on previous discussions, Maher announced that the new phone system for the office has been installed by Garden Valley. Maher stated that the District is looking at a \$300 savings each month compared to the previous provider. Technician Larson also stated that Administrative Assistant Haugen was also requesting to get a District Cell Phone. After discussion, Motion by Mr. Joey McGregor, Seconded by Mr. Keith Szczepanski authorize Hagen to get a District Cell Phone in order to conduct District Business. Motion unanimously carried.

Technician Larson stated that at the December 18th, 2023 Meeting, the Board approved the changes to the employee Personnel Policy but still needed to officially sign it. Motion by Mr. Joey McGregor, seconded by Mr. Robert Kovar authorizing Bill Petersen and Brad Blawat to sign the amended Personnel Policy. Motion unanimously carried.

Larson also stated Haugen was requesting to set up Auto Pay for reoccurring Admin Expenses to cut down on the amount of checks the Board needed to come sign at each meeting. Following discussion, Motion by Mr. Keith Szczepanski, Seconded by Mr. Brad Blawat authorizing staff to set up Auto Pay for routine bills. Motion unanimously carried. Attorney Jeff Hane suggested that each year the Board authorizes what bills can be on Auto Pay, this would be similar to the District designating the official newspapers, depositors, engineers, etc. each year. It was consensus of the Board to have staff compile a list of what bills would use Auto Pay present them a future meeting for designation.

The 2024 IRS Milage rate was announced.

Manager Bill Petersen provided an update on both the Red River Watershed Management Board and the Drainage Work Group. Bill stated that the District should be receiving the updated LIDAR data soon and directed Technicians Larson and Schlomann to reach out to Rob Sip if there were any questions.

Maher announced that there was a joint application for additional 1W1P funding had been submitted to BWSR to cover SD3 and CD45 of the Marshall County.

Attorney Hane updated the Board on what his office has been working on. He stated the appeal deadline for the decision in the Erickson/Zutz lawsuit is on March 4th. He also mentioned that he was still working with the USDA to resolve the mortgage issue for the vacant property in the City of Newfolden. Lastly, he stated that they were working on finalizing the remaining land acquisitions for the Newfolden impoundment.

Jeff Hane (virtually) left the meeting at approximately 2:00 p.m.

Manager McGregor mentioned that with the new year starting, it would be a good time to revisit the discussions regarding what the Interest Rate for negative ditches and the cost to petition lands into the Benefited Area. It was consensus to have both topics on a future agenda.

The following meetings were announced:

1. County Drainage Conference Meeting February 7 & 8, 2024 in Alexandria, MN
2. MSTRWD Regular Board of Managers Meeting Tuesday, February 20, 2024 at 8:30 a.m. at the District office in Warren, MN.
3. RRWMB Regular monthly meeting Tuesday, February 20, 2024, in Ada, MN.
4. Newfolden – Recessed Hearing Tuesday, February 20, 2024 at 10:00 a.m. in Warren, MN at the District Office
5. Legislative Office Breakfast March 6 – 8th in St. Paul, MN

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Motion by Mr. Robert Kovar, seconded by Mr. Joey McGregor to adjourn the Meeting. Motion unanimously carried.

The Meeting was adjourned at approximately 2:06 p.m.

Tyler Larson
Recording Secretary

Brad Blawat
Secretary